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**Attorneys for Counterclaim Defendants Pinesdale, LLC and Gunvor Group, Ltd.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA, BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

v.

EASTERN MONTANA MINERALS,  
INC., and MUSSELSHELL  
RESOURCES, LLC,

Defendants.

Case 1:12-cv-00055-RFC

**COUNTERCLAIM  
DEFENDANTS PINESDALE  
LLC AND GUNVOR GROUP  
LTD.'S JOINDER IN  
CO-COUNTERCLAIM  
DEFENDANTS' REPLY IN  
SUPPORT OF MOTION FOR  
PROTECTIVE ORDER**

EASTERN MONTANA MINERALS,  
INC., and MUSSELSHELL  
RESOURCES, LLC,

Counterclaim Plaintiffs,

v.

SIGNAL PEAK ENERGY, LLC;  
FIRSTENERGY CORP.;  
FIRSTENERGY VENTURES CORP.;  
FIRSTENERGY GENERATION  
CORP.; GUNVOR GROUP, LTD.;  
PINESDALE LLC; BOICH  
COMPANIES, LLC; WMB  
MARKETING VENTURES, LLC;  
GLOBAL COAL SALES GROUP,  
LLC; and GLOBAL MINING  
HOLDING COMPANY, LLC,

Counterclaim Defendants.

**JOINDER IN CO-COUNTERCLAIM DEFENDANTS' REPLY IN  
SUPPORT OF MOTION FOR PROTECTIVE ORDER**

Counterclaim Defendants Pinesdale LLC ("Pinesdale") and Gunvor Group, Ltd. ("Gunvor") hereby join in Co-Counterclaim Defendants Signal Peak Energy, LLC ("SPE"), FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC and Global Mining Holding Company, LLC'S (collectively "Counterclaim Defendants") Reply In Support of Counterclaim

Defendants Pinesdale LLC and Gunvor Group Ltd.’s Motion for Protective Order, averring as follows:

1. Gunvor and Pinesdale filed Motions to Dismiss the Counterclaims asserted by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively “EMM”) pursuant to Federal Rule of Civil Procedure 12(b) (“Motions”).
2. Briefing of the Motions was completed on August 29, 2012.
3. The Motions present dispositive questions of law for resolution by the Court. They make clear that this Court lacks personal jurisdiction over Gunvor and Pinesdale, and that there is no legal basis to expand this case from a contractual dispute concerning the basis for calculating Royalties pursuant to a 2008 Coal Lease between SPE and EMM, into a tort-based action involving nine separate entities that are not parties to the Coal Lease. Accordingly, discovery in this matter before the Motions are decided would be premature, burdensome, and inefficient.
4. On September 14, 2012, Pinesdale and Gunvor moved this Court for a Protective Order, pursuant to Rule 26(c), to stay discovery until such time as the Court decides the Motions to Dismiss. Co-Counterclaim Defendants moved this Court to join Pinesdale and Gunvor’s Motion for a Protective Order [Doc. Nos. 95

– 97]. On October 2, 2012, EMM filed a Response in Opposition to Counterclaim Defendants' Motion for a Protective Order [Doc. No. 103].

5. On October 8, 2012, Co-Counterclaim Defendants filed a Reply In Support of Counterclaim Defendants Pinesdale LLC and Gunvor Group Ltd.'s Motion for Protective Order [Doc. No. 105].

6. Pinesdale and Gunvor incorporate herein by reference any and all documents filed, and all legal arguments raised in support of, the Co-Counterclaim Defendants' Reply In Support of Counterclaim Defendants Pinesdale LLC and Gunvor Group Ltd.'s Motion for Protective Order.

7. Pinesdale and Gunvor believe that, once the Motions are resolved, there will remain before the Court a contract-based action between SPE and EMM that will involve a significantly more appropriately tailored and far less burdensome and costly discovery process.

WHEREFORE, Counterclaim Defendants Pinesdale LLC and Gunvor Group, Ltd. respectfully join in Co-Counterclaim Defendants Signal Peak Energy, LLC, FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC and Global Mining Holding Company, LLC'S Reply in Support of Pinesdale LLC and Gunvor Group Ltd.'s Motion for Protective Order.

DATED this 9th day of October, 2012.

/s/ James H. Goetz  
GOETZ, GALLIK & BALDWIN, P.C  
**Attorney for Counterclaim Defendants**  
**Pinesdale LLC and Gunvor Group,**  
**Ltd.**

**CERTIFICATE OF COMPLIANCE**

Pursuant to Local Rule 7.1(d)(2) of the Federal Rules of Civil Procedure, the undersigned certifies that the word count calculated by Word is 476 words (including footnotes and excluding the caption and Certificates of Service and Compliance).

Dated this 9th day of October, 2012.

\_\_\_\_\_  
/s/ James H. Goetz \_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I certify that, on October 9, 2012, a copy of the foregoing document was served on the following persons by the following means:

1-9 CM/ECF  
\_\_\_\_ Hand Delivery  
\_\_\_\_ Mail  
\_\_\_\_ Overnight Delivery Service  
\_\_\_\_ Fax  
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/s/ James H. Goetz \_\_\_\_\_  
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